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International Court of Justice

H1160 – 0002

TRIAL BRIEF

ALFRED JODL

(Part I Review of the evidence on Counts 1 & 2)
( )
(Part II Documentation)

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Part I: Review of the evidence on Counts 1 & 2

A. The charges.

The statement of his individual responsibility in Appendix A of the Indictment alleges that between 1932 and 1945 Jodl held various offices in the services: and that he used these, his personal influence and his close connection with the Fuehrer to do the various acts set out in Counts One, Two, Three and Four of the Indictment. Having regard to the general words at the commencement of Appendix A this statement is not to be taken to include all the matters upon which the Prosecution may rely.

B. The chronological case.

This falls conveniently into eleven heads :-

(1) Participating in ... promoting the accession to power of the Nazi conspirators and the consolidation by them of their control over Germany.
Count One IV (F)

(2) Participating in the secret rearmament of Germany in breach of the Treaty of Versailles and other Treaties
Count One IV (F) 1 & 2

(3) Participating in the re-occupation and the fortification of the Rhineland
Count One IV (F) 1 & 2

(4) Participating in the planning for the assault on Austria and Czechoslovakia
Count One IV (F) 3 (a)

(5) Participating in the execution of the plan to invade Austria
Count One IV (F) 3 (b)

(6) Participating in the execution of the plan to invade Czechoslovakia
Count One IV (F) 3 (c)

(7) Participation in the planning etc. against Poland
Count One IV (F) 4

(8) Participation in the planning etc. against Denmark, Norway, Belgium, the Netherlands, Luxembourg, Yugoslavia and Greece
Count One IV (F) 5

(9) Participation in the war etc. against the U.S.S.R.
Count One IV (F) 6

(10) Participation in the war etc. against the U.S.A.
Count One IV (F) 7

(11) Participation in the planning etc. of War Crimes and Crimes against Humanity
Count One IV (G)

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C. Official Positions held by Jodl from 1932

From 1932 - 1935 Lt.Col. (as he then was) Jodl was employed in the "Operations Department" of the Army. In 1935 he became Chief of the National Defence Section in the High Command of the Armed Forces and in 1936 he was promoted Colonel. From October 1938 to August 1939 he was in Austria as Artillery Commander of the 44 Division being promoted General Major on the 20 April 1939. From the 27 August 1939 he was Chief of the Operational Staff of the O.K.W. becoming General Artillerie Kommandeur in 1940 and Col. General in 1944. All these appointments and promotions are admitted in the statement signed by Jodl (2865 PS)

D. Evidence in support of the chronological case (see B above)

(1) Promoting the conspirators accession to power and the consolidation of their control.

From Jodl's lecture on 7.11.43. (L 172: US 34) at page 5 (paras 1 and 2 of the English translation) it is clear that he was always an entheusiastic admirer and supporter of the N.S.D.A.P. and that - see pages 69 and 70 - he was a loyal and ardent follower of the Fuehrer both in the military and in the political fields.

(2) Secret rearmament

From EC 405 it is clear that Jodl was representing section L of the Armed Forces Operational Staff on the Working Committee of the Reich Defence Council as from its 10th. Meeting on 26 June 1935. He discussed the preparations for mobilisation which had been ordered and said that increases in personnel ought not to result "in the disquieting of foreign countries through conspicuous mobilisation measures".

At the 11th Meeting of the Reich Defence Council (Minutes E.C.406) on 6 Dec. 1935 Jodl again spoke on mobilisation plans announcing that a mobilisation book for civilian agencies would be issued for the first time on 1st. April 1936.

(3) Re-occupation etc. of the Rhineland.

At the 10th. Meeting of the Working Committee mentioned above (E.C. 405) referring to the Rhineland zone Jodl said ". . .only those preparatory measures that are urgently necessary may be carried out. The existence of such preparations or the intention of them must be kept in strictest secrecy, in the zone itself as well as in the rest of the Reich."

(4) Planning re Austria and Czechoslovakia.

Jodl was present at the Obersalzberg on the 12 Feb. 1938 and extracts already read from his diary show that he was in no doubt as to the "heavy pressure" put upon Schusschnigg as to the nature of the suggestions put up to the Fuehrer by Keitel for the spreading of "false but quite credible" news to intimidate the Austrian Government.

1780 PS: U.S.A. 72 Jodl's Diary
1775 PS: U.S.A. 75 Keitel to Fuehrer
S/N 557, 8.

His participation in the planning of operations against Czechoslovakia is shown time and again in documents in the "Case Green" file 388 PS: U.S.A. 26

S/N 735, 741-748, 760-776, 798-807

and in his diary.

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(5) Execution of the plan to invade Austria.

Jodl initialled the Fuehrer's order for operation Otto C 102: U.S.A. 74 and himself issued a supplementary directive on the policy to be adopted towards Czech or Italian troops should they be met in Austria C 103: U.S.A. 75.

(6) Execution of the plan to invade Czechoslovakia.

Referring to the position after the Anschluss Jodl said in his lecture (U.S.34) L 172 on 7 Nov 1943 " . . . Czechoslovakia herself was now enclosed by pincers. Its own strategic position had now become so unfavourable that she was bound to fall a victim to any attack pressed home with vigour before effective aid from the West could be expected to arrive".

In a diary entry (1780 PS / U.S.72) on 11 Sept. presumably referring to the table put in as C 2: U.S.90: he wrote "The joint preparations for refutation of our own violations of International Law, and the exploitation of its violations by the enemy, were considered particularly important".

(From Oct. 1938 to 23 Aug. 1939 Jodl was 44 Divisional Artillery Commander at Brno and Vienna.)

(7) Planning against Poland.

Resumption of his post as Chief of the Operational Staff is noted in his diary entry (1780-PS / U.S.72) of 23 August 1939. Jodl was present at the conference on the fate of Warsaw 10 Sept. 1939 described by the witness Lahousen.

(8) Planning re the seven countries mentioned in Count One IV (F) 5:-

Jodl's deputy Warlimont was present at the conference on 23 May 1939 at which decisions to ignore declarations of neutrality are made known. S/N 359, 408, 110. (L 79: U.S.A.27)

Jodl was present at the conference on Norway on 12.12.39. recorded by Raeder in document C 64: G.B.86. He notes the development of plan Weseruebung regularly in his diary 1809 PS: G.B.88.

He signed 9 of the letters postponing A day put in as C 72: G.B.109 and was present at the Fuehrer's speech to all military commanders on 23 Nov. 1939 (789 PS / U.S.23)

Jodl was present at the main planning conference for the campaigns against Greece and Yugoslavia.

19/20 Jan. 41 — He personally reports conference between Hitler and Mussolini C 134: G.B.119.

18.3.41. — He was present at the meeting recorded by Raeder at which Hitler declared "The complete occupation is the prerequisite of any settlement. (C 167: G.B.122)

The remaining documents and directives involving Jodl are particularised in the accompanying list.

(9) Planning against the U.S.S.R.

Here again the documents are fully enumerated in the accompanying list. In the autumn of 1940 Jodl wrote on 6 September reference regroupings of troops in the East:

"These regroupings must not create the impression in Russia that we are preparing an offensive in the East" (1229 PS: U.S. 130.)

The basic directive No.21 for Case "Barbarossa" issued by Hitler on 18 Dec. 1940 is initialled by Jodl (PS 446: U.S.31).

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(10) Planning re U.S.A. and Japan..

Jodl was present at the conference between Hitler, Keitel and Raeder on 18 March 1941 when the possibilities of Japan's seizure of Singapore and the unpreparedness for war of the United States were discussed (C 152: G.B. 122)

(11) Complicity in War Crimes and Crimes against Humanity.

There are four outstanding documents on Jodl's complicity in planning these crimes.

On the 19th. Oct. 1942 he issued a Hitler order supplementing the order on the killing of Commandos of the previous day. The text of his covering letter shows that he was clearly aware of the implications of both orders.

"This order is intended for commanders only and must not under any circumstances fall into enemy hands.

The further distribution is to be limited accordingly by the receiving bureaus.

The bureaus and those named in the distribution list are held responsible for the return and destruction of all distributed pieces of the order and copies made thereof."

Jodl.

(PS 503 supplementing 498 PS)

Jodl initialled Keitel's famous order 886 PS of 13 May 1941 re ruthless action in Barbarossa.

He also signed a letter dated 7.10.41. making known the Fuehrer's decision not to accept the surrender of Leningrad or later Moscow (C 123)

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J's responsibility under the Charter.

J was the most important man in the O.K.W. under Keitel: he was Chief of the Operational Planning side of the O.K.W. from August 1939. In the years succeeding that date J's sphere was more than extremely important, it was crucial.

As has been seen from the specimen documents referred to herein, and from the numerous others which are set out in the accompanying list J took a prominent part.

(a) in the early planning for rearmament up till 1936

(b) in the aggressive planning - so successfully carried through - against Austria and Czechoslovakia

(c) in the wars of aggression and wars in violation of treaties etc. in 1940 and 1941

(d) in assisting in the promulgation of some of the Fuehrer's most notorious orders for the murder of P.O.W and civilians

J and K were Hitler's closest military advisers: it was their business to see that his decisions were transmitted to and implemented by the services.

J's signature and initial appear on orders which are, in the sense of the Charter and in the sense understood by civilisation, criminal: orders for the violation of neutrality, the breaking of treaties, orders for the murder of the defenceless contrary to the Rules of War.

At the conclusion of the (partially) successful campaign in the West Hitler in his Reichstag Speech of 19.7.40. paid K and J a tribute: ". . . .Keitel . . .and . . .Jodl were responsible for the execution of my directives."

The Prosecution assert that J stands in no better position than does K: that he was a willing instrument of Hitlers, ready at all times to carry out the latter's designs, no matter how dishonourable or shameful or wicked they might be.

The only possible defence - that of sheltering behind his superior - is not open to him: his conviction is therefore demanded.

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ALFRED JODL.

PART. 2. DOCUMENTATION.

GENERAL INFORMATION

Age : 60.

Profession : Army.

Defence Counsel : Dr. Franz Exner.

OFFICIAL APPOINTMENTS.

Appointments	Dates	How Proved.	Remarks.
Lt. Colonel Posted to Army Cps Department Berlin.	1. 10. 1932	2865-PS. U.S.16. p.8780 dated 6.7.44. of the Archiv für Publizistische Arbeit.	Undated statement signed J.
Colonel Chief of Landosverteidigung and of Operations Dept.	1935	"	
Major General (Chief of the Wehrmachtführungsstab im OKW	20.4.1939		
Full General	19.7.1940		
Colonel General	30.1.1944.		

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ALLEGATIONS BY PROSECUTION

Indictment p. 33.

The defendant Jodl between 1932 and 1945 was :		2865-PS U.S.16.	Statement by Jodl
Lt. Colonel, Army Operations Department of the Wehrmacht.			Also p.8780 dated 6.7.44. of the Archiv für publizistische Arbeit.
Colonel, Chief of OKW Operations Department			
Major General and Chief of Staff OKW			
Colonel General			

The Defendant Jodl used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that

(1) He promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count 1. of the Indictment

e.g. Count 1. IV (A)

He with such knowledge became an accessory to their aims and purposes at some stage of the development.	26.6.35.	E.C.405.	10th Meeting of Working Committee of Reich Defence Council. Jodl active member.
	6.12.35	E.C.406.	11th Meeting of above. Jodl active member.
	9.11.43.	L.172 U.S.34.	Jodl's lecture.
	5.11.37.	1780P.S.	Jodl's Diary entry re conference.

(2) He promoted the preparations for War set forth in Count 1.

e.g. Count One IV (B).

The Nazi Conspirators deliberately planned, determined upon and launched their aggressive wars.

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(3) Participated in the military planning and preparation of the Nazi Conspirators for Wars of Aggression, Wars in violation of Treaties etc. in Counts 1 & 2.

e.g. Count One IV (D)3f.

The Nazi Conspirators placed a considerable number of their dominated organisations on a progressively militarised footing with a view to the rapid transformation and use of such organisations whenever necessary as instruments of war.		388PS. US.24.	Reference in Fall Gruen to the militarisation of the R.A.D. (Item 20)
		1780PS. U.S.72.	Entry 10 September 1938 ref. above item.

e.g. Count One IV (F) 3 (a)

The Nazi Conspirators next entered upon the specific planning for the acquisition of Austria and Czechoslovakia, realising it would be necessary for military reasons, first to seize Austria before assaulting Czechoslovakia.	Feb-Mar 1938	1780PS	Jodl's Diary.
	14.2.38	1775PS U.S.73.	O.K.W. proposals for false rumours etc.

e.g. Count One (F) 3 (b)

Execution of the plan to invade Austria ... threatened invasion began on the 12.3.38	11.3.38.	C.102. U.S.74	Hitler's order for operation Otto. Initialled Jodl.
	11.3.38.	C.103. U.S.75	Directive signed Jodl regarding conduct towards Czech or Italian troops.
	11.3.38. 2045 hrs	C.182. U.S.77.	Directive from Supreme Commander of the Armed Forces.
	7.11.43.	L.172. U.S.34.	Lecture by Jodl at Munich.

e.g. Count One IV (F)3.(C)1.2.

Execution of the plan to invade Caechoslovakia			
On 21 April 1938 the Nazi Conspirators met and prepared to launch an attack on		388PS. U.S.26.	Fall Gruen File.
Czechoslovakia not later than 10 October 1938. They planned specifically to create an	4. 1. 37. 22. 8. 39.	1780PS U.S.72.	Jodl's Diary
"incident" to "justify" the attack. They decided to launch a military attack only after a period of diplomatic squabbling which, ...	1 .10.38.	C.2. U.S.90.	Counter propaganda in case of violation of international law (issued by OKW)

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From and after 21 April 1938 the Nazi Conspirators caused to be prepared military plans .... Throughout May to September these plans were made more specific and detailed and by 3 September 1938 it was decided that all troops were to be ready for action on 28 September 1938

e.g. Count One IV (F)4.(b)

Accordingly ..... the Nazi Conspirators proceeded to stir up the Danzig issue, to prepare frontier "incidents" to justify the attack, and to make demands for the cession of Polish territory. Upon refusal by Poland to yield, they caused German armed forces to invade Poland on 1 September 1939, thus precipitating war also with the U.K. & France.	23. 5. 39.	L.79.	Conference attended by Warlimont later Jodl's deputy.
	23. 8. 39.	1780.P.S. U.S.72.	Jodl's Diary.
	10.9. 39.	Conference on Warsaw mentioned by Lahousen.	

e.g. Count One IV (F) 5.

Thus the aggressive War prepared for by the Nazi Conspirators through their attacks on Austria and Czecho-slovakia was actively launched by their attack on Poland in violation of the terms of the Kellogg-Briand Pact 1928. After .... the Nazi conspirators made active preparations for an extension of the war in Europe. In accordance with those plans, they caused the German armed forces to invade Denmark and Norway on the 9 April 1940.	Feb-May 1940.	1809PS G.B.88.	Jodl's diary.
	12.12.39.	C.64. G.B.86.	Raeder report on meeting. Jodl present.

Belgium, the Netherlands and Luxembourg on 10 May 1940	7.11.39	C.72.	Letters postponing
	9.5.40.	G.B.109	"D" Day in the West 9 signed by Jodl.
	23.11.39.	789PS. U.S.23.	Führer's speech to all military commanders.
	1. 2. 40.	1809PS	Jodl's diary.
	26. 5. 40.	G.B.88.	

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Yugoslavia and Greece on 6 April 1941. All these invasions had been specifically planned in advance.	12.11.40	444PS. G.B.116.	Directive No.18 ordering preparation for occupation of Greek mainland initialled by Jodl.
	13.12.40.	1541PS. GB.117	D.20. for Greece copy to OKW.
	11. 1.41	448PS. G.B.118.	Directive No. 22. for armed intervention in Albania.
	19/20 Jan 1941.	C.134. G.B.119.	Jodl's report of conference between Hitler and Mussolini.
	19.2.41.	C.59. G.B.121.	Order by Warlimont for Marita.
	18.3.41.	C.167. G.B.122.	Report by Raeder on conference with Hitler. Jodl present. Re complete occupation.
	27.3.41.	1746PS. G.B.120.	Minute of conference drawing up plans for destruction of Yugoslavia. Jodl present.
e.g. Count One IV(F)6.			
On June 22nd 1941, the Nazi Conspirators deceitfully denounced the NAP between Germany and the USSR.	6.9.40.	1229PS U.S.130.	Signed Jodl. Activity in the East must not give U.S.S.R. impression of an offensive.
	12.11.40.	444PS. GB.116	Directive 18 initialled by Jodl.
	18.12.40.	446PS US.31	Directive 21 re Barbarossa initialled by Jodl.
	3.2.41	872PS. U.S.134	Memo of discussion of "Barbarossa" and "Sonnenblume" - A.H. and OKW. Jodl present.
	25.4.41	865PS U.S.143	Jodl appointed OKW representative for liaison on Eastern Territories.
	9.6.41	C.78. U.S.139.	Schmundt's order for Barbarossa conference on 14. Jodl to participate
	6.41	C.39. US.138.	Time-table for Barbarossa signed Keitel.
	28.6.41.	1039PS. U.S.146.	Problems in Eastern Territories.

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e.g. Count ONE IV (F)7.

" ..... The Nazi conspirators conceived that Japanese aggression would weaken and handicap those nations with whom they were at war, and those with whom they contemplated war. Accordingly the Nazi conspirators exhorted Japan to seek "a new order of things".	5.3.41.	C.75. US.151	OKW Order signed Keitel copy to Jodl "Japan must be drawn actively into the war".
	18.3.41.	C.152. G.B.122.	Meeting Adolf Hitler Raeder, Keitel, Jodl Japan to seize Singapore : unpreparedness of U.S.A. for war.

Germany declared war against the U.S. on 11 December 1941.

e.g. Count One IV (G) 1.

..... "the Nazi conspirators carried out their common plan or conspiracy to wage war in ruthless and complete disregard and violation of the laws and customs of war. In the course of executing the common plan or conspiracy there were committed the War Crimes detailed hereinafter in Count Three of this Indictment.	19.10.42.	498 P.S.	Führer order on commandos.
	19.10.42.	503PS.	Jodl letter supplementing above.

e.g. Count ONE IV. (G)2.

"Beginning ..... the Nazi conspirators carried out their common plan or conspiracy in ruthless and complete disregard and violation of the laws of humanity	13.5.41.	886PS.	Treatment of civilians initialled Jodl.
	7.10.41.	C.123.	Letter signed Jodl giving Führer's decision not to accept surrender of Leningrad or later Moscow.

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H B Wellington

INTERNATIONAL MILITARY TRIBUNAL

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BRITISH TRIAL BRIEF

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